

James B. Cox
2822 Poly Drive
Billings, MT 59102

February 6, 2013

Representative Steve Gibson, Chairman
Joint Appropriations Subcommittee on
Judicial Branch, Law Enforcement, and Justice
Montana Legislature

Dear Mr. Gibson,

This concerns the Montana Department of Corrections (MDOC) 2013 Biennial Report and the means by which MDOC's stated goals are overcome by financial considerations and Montana's incarcerated population and MDOC's staffing and budget demands are kept rising despite falling crime rates and new convictions. I do not have a financial interest in MDOC in-house or contracted operations other than paying taxes to support them.

To MDOC and its contractors, a prisoner restored to the community is an income stream lost. As a community volunteer to help individuals meet their parole conditions, I learned how such losses are avoided. The instances I have seen are not unique. When I attended the Subcommittee hearing on January 23, I heard that 94% of parole revocations are for "technical violations" and find that MDOC's chart on page A-28 of the Report confirms it.

Also, while on conditional release--"community corrections"--parolees are used to raise MDOC contractors' revenues. Parolees' inability to do so to those contractors' satisfaction results in reincarceration by Parole Officer and Parole Board action. But even if a parolee flawlessly fulfills those contracts, other parole conditions that are not only difficult, but impossible to meet are available to recycle prisoners.

The process starts before release when the Parole Board requires that to be released, prisoners must agree to pay MDOC contractors to repeat "groups" already successfully completed in prison. Attached is an example of this which was used to profit a contractor and to recycle the parolee to the Montana State Prison. But in addition, to the grounds used for that, he could always have been reincarcerated for failure to comply with the impossible condition that he be accompanied by an "appropriately trained responsible adult" when I as an undeniably responsible adult was denied such training so that he could not comply. Such training may not even exist as, perhaps to avoid admitting that there is no public record of it of such training, my requests to parole officials for a copy of it citing Montana Code Annotated 2-6-102 have been ignored--other than I was threatened by the MDOC Chief Legal Counsel Diana Koch that persisting in them would be "considered harassment of department employees." I attach a copy from software of my letter of August 8, 2012, to Ms. Koch pertaining to this situation.

On January 23, I commented that unless the graph presented by Warden Kirkegaard of the Montana State Prison (MSP) included technical violations as a reason for current incarcerations, it was misleading. I cannot deduce their numbers from the various tables and charts in MDOC's Report that I cited above, but I am told that on the cell occupancy board in Reception in MSP where new arrivals are housed, regularly 60-70% of prisoners are shown as PV (for Parole Violation) and only 30-40% NC (for New Crime) Perhaps this Subcommittee will have authority beyond MCA 2-6-102 to verify that.

The Right to Know secured by the Montana Constitution only applies to governmental

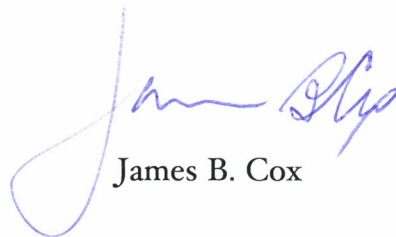
organizations and officials, not private entities. MDOC uses contractors to do things it cannot lawfully hide itself. The Board of Pardons and Parole and local probation and parole officials use their power to set parole conditions to profit MDOC contractors by adding to sentences requirements that parolees pay those contractors and use their power to reincarcerate parolees to enforce the payments those contractors require.

Senate Joint Resolution No. 3 passed last Friday, February 1, calling for an interim committee to study the operations of the Montana Board of Pardons and Parole, but its findings and recommendations cannot be acted upon until the 2015 Legislature. A hearing is scheduled for this coming Friday on Senate Bill 9, calling for establishing a Corrections Advisory Council, but its recommendations cannot be implemented in law until the 2015 Legislature either. But this Subcommittee's work can have immediate effects on the money available to add to the prison population through technical parole violations.

Since this is a matter of cashflow to MDOC and its contractors, not public safety, hopefully the current MDOC Director will put priority on public safety by not threatening to release dangerous felons unready for parole in order to make room for people who have not committed any new offense against law.

Thank you for the opportunity to comment. In addition to the two attachments to this, I have provided extensive documentation as attachments to my previous comments to the Law and Justice Interim Committee in hearings in 2011 and 2012. If that documentation is not available to this Subcommittee, I can provide you additional copies. I hope that these and other comments I heard in the hearings are useful toward correcting the abuses.

Sincerely,

A handwritten signature in blue ink, appearing to read "James B. Cox", with a large, stylized initial "J" and a flourish at the end.

James B. Cox

Attachments (2)

December 17, 2012

**John Williams, Supervisor
Barry Ivanoff
Lea Werhonig
Montana Probation & Parole Officers
Probation & Parole Office
2615 Fourth Avenue South
Billings, MT 59101**

Re: Treatment Requirements

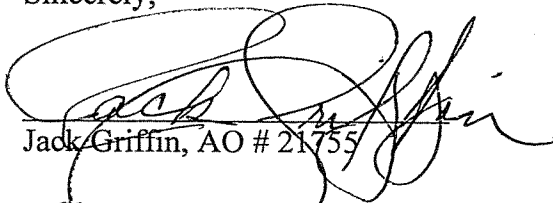
Dear P & P Officers:

Enclosed you will find a DOC Treatment Evaluation Form signed by Blair Hopkins and Autumn Noll, C.M., and myself. The form is less than a year old. As you will note, I was rejected for any further SOP Treatment Programs because it was believed that no further or additional treatment was (is) necessary.

However, Billings P & P has required that I attend additional and continued treatment here. I am somewhat curious to learn the identity of any professional with credentials greater than Blair Hopkins who has made a finding that more treatment is necessary. If there has been no such finding or recommendation, I am requesting a full explanation as to why Billings P & P is requiring such attendance.

Thank you for your attention to this matter.

Sincerely,



Jack Griffin, AO # 21755

c: file
:enclosure

TREATMENT REQUEST

(PRINT CLEARLY)

INMATE'S NAME: GRIFFIN, JACK

A0#: 21755

UNIT: 1A

CRIME: Incest

SENTENCE: 5yrs

P.E.D.: PV 7/5/2010

D.D.: 5/19/2012

COURT ORDER/REC: _____

BOP REC: _____

P&P CONDITIONS: _____

OTHER: MIM 1

EXPLANATION: PAROLE VIOLATOR

TREATMENT REQUESTED:

☐

ADSP

☐

CHEMICAL DEPENDENCY

☐

Primary Care

☐

Relapse Prevention

☐

Continuing Care

☐

Medicine Wheel

☐

ITU

☐

Meth ITU

☐

ANGER MANAGEMENT (AM)

☐

COGNITIVE PRINCIPLES & RESTRUCTURING 1 (CP&R 1)

☐

COGNITIVE PRINCIPLES & RESTRUCTURING 2 (CP&R 2)

☐

COGNITIVE PRINCIPLES & RESTRUCTURING 3 (CP&R 3)

☐

PARENTING

☐

GED

☐

OTHER: _____

☐

NEEDS SCREENING FOR: _____

☒

SCREEN SOP

☐

SOP I

☐

SOP II

☐

Outpatient

☐

ITU

☐

Special Needs

☐

Statutory

☐

SOP III

COMMENTS:

10/05 SOP2

based on violations (including contact with minors), he should be screened to determine appropriate level of tx

**he is going to be hired on a MDIU worker

INMATE SIGNATURE [Signature]

DATE 1-6-12

Autumn R. Noll, CM

STAFF SIGNATURE

12/29/11

DATE

SCREENING DECISION:

DATE: 2/13/12

REJECTED/

NO TX REC'D

☒

APPROVED

☐

NO FURTHER SOP RECOMMENDATION

REFUSED:

☐

MEMBER(S):

BLAKE HOPKINS

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

August 8, 2012

Diana Koch, Chief Legal Counsel
Montana Department of Corrections
5 South Last Chance Gulch
Post Office Box 201301
Helena, Montana 59620-1301

Dear Ms. Koch:

This refers to your letter to me dated August 1, 2012, and postmarked August 3. Unhappily I did not receive it timely to address what you said in my comments of August 3 to the Law and Justice Interim Committee. However, as you referred me a Dr. Sullivan to provide me a copy of records relating to training and approval, upon getting your letter, I was able to find his address and write to him as attached.

Instead of providing me a copy of the public record I requested, you have referred me to a contractor to whom MCA 2-6-102 does not apply. This is similar to how the Montana Department of Corrections dealt with my request of July 22, 2010, under that statute for copies of records pertaining to withholding mail sent to a prisoner in the Montana State Prison: though I did not receive any response until after I brought it up in the Law and Justice Interim Committee hearing in December 2011, the prisoner concerned did get the immediate reaction that he was transferred to a private prison not subject to that statute.

When I was not intimidated by you telling me in your letter to me of June 7, 2012, that requests to Montana Department of Corrections officials for copies of records that I believe they hold would be "considered harassment of department employees," you withdrew that threat. However, I am concerned about accompanying a probationer when not "appropriately trained" or approved to do so—not only about that forming a reason to jail him, but also about it forming a reason to retaliate against me myself. Already I have not dared let him stay in my house while he was awaiting surgery here, lest my residence be searched and documents seized under color of his condition #1, "I will not change my residence or stipulated schedule without prior approval from an ISP Officer. I will make my home open and available for ISP to visit and search..." When he was previously here on parole, my taking him to the Emergency Room of St. Vincent Hospital without prior approval from his parole officer, Ms. Melia, was the sole departure from his stipulated schedule.

I do not assert that her arresting him after his discharge from the hospital after about ten days was due to malice; rather it seems only an instance of normal procedures. Neither do I assert that being reincarcerated for being expelled from required treatment by a Department of Corrections contractor the day after his progress was documented as satisfactory by he was unable to make a payment resulted from any malice against him; instead it seems like just another instance of routine revocation of parole for a technical violation. Neither do I assert that his being denied scheduled surgery while incarcerated resulted from malice against him; that also seems only another instance of regular Department of Corrections procedures. But now that he has been released on probation and had the required surgery without any expense to that Department, he is again at risk of jailing after being medically discharged, and again at risk of that on the same grounds as before, as he tells me he is required to see Dr. Sullivan today, before able to work or pay.

Also, upon completion of the training, I will still need to be approved by you and the man's probation officer. I have never been disapproved to visit, transport, or accompany any prisoner, resident of private facilities, or parolee, but the current probatio officer has not provided me a copy of the criteria for approval which are in use by the Probation and Parole Bureau. Your criteria may differ from those; please provide me a copy of yours.

I have no idea why officials are withholding public records from me concerning training and approval, but I look forward to receiving the above information from you in order to become qualified and approved as soon as possible to accompany the probationer.

Sincerely,

/s/

James B. Cox

I tell you for a fact, Ms. Koch, that what I heard in two Law and Justice Interim Committee hearings shows this instance to be representative of Department of Corrections procedures regarding reincarceration for "technical violations"--which I heard there comprise the reason for 94% of parole revocations--and regarding denial of required medical treatment. Your letters to me also indicate that your position is used to cover up these things.

Now, therefore, since you have passed me off to a contractor not subject to MCA 2-6-102, please provide me a copy of the contract between him and the Department of Corrections. Please process this request under that statute.

Sincerely,

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James B. Cox

Attachment

James B. Cox
2822 Poly Drive
Billings, MT 59102

August 6, 2012

Dr. Michael D. Sullivan
304 Grand Ave.
Billings, MT 59101

Dear Dr. Sullivan:

A Department of Corrections official has directed me to contact you concerning becoming "appropriately trained" in order to be approved to accompany an adult offender as required by his probation conditions. I am writing you to find out about the training that community volunteers must get in order to be approved as a volunteer to assist in restoring an offender to the community. Thank you for any assistance you can give me.

I would like to get a copy of records showing the content of such training regularly given to community volunteers, the authorized providers of it, the time commitment involved, and the current schedule of training classes. Previously I accompanied a Montana parolee to Walmart, Albertson's, etc., in accordance with his schedule pre-approved by his parole officer, but was never told anything about any training I was required to complete to do so. In the current instance, a prisoner was released from the Montana State Prison without a copy of his probation conditions--I know that because I picked him up at the prison. Later in Billings he was given new probation conditions, which included the requirement that I be "appropriately trained" and approved by his probation officer and you to so accompany him. Upon reading that condition, I enquired of Probation and Parole Bureau officials about the training without success. Until I am able to complete the required training, I am providing the probationer transportation but waiting for him in the car.